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S/S/AR ANALYSIS BRANCH

FROM : Amembassy MONTEVIDEO

DATE: August 28, 1970

SUBJECT : University Reaction To Kidnappings Draws Sharp Rebuke From Minister of Education.

REF : Montevideo 1790 Aug 18, 1970

DEPARTMENT OF STATE BUREAU OF INTER-AMERICAN

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The reaction of the University of the Republic to the July 31 kidnapping of U. S. AID official Dan Mitrione and Brazilian Consul Aloyas Dias Gomide, and the subsequent kidnapping of American soil expert Dr. Claude Fly and murder of Mitrione, have greatly strained relations between the leftist-dominated University and the Government of Uruguay.

The initial reaction of the University to these events was silence. At a time when every responsible Uruguayan political, civic, and religious leader (with the conspicuous exception of Montevideo's Archbishop Coadjutor Carlos PARTELLI) was condemning the kidnappings, the University's Central Directive Council and its Rector, Dr. Oscar MAGGIOLO, remained silent. On the day of national mourning for the murder of Mitrione, proclaimed by President Pacheco August 10, all flags were flown at halfmast with two well noted exceptions: The University and The Cathedral, both of which flew no flag.

The University did not break its silence on the kidnappings and murder until August 17 when it issued a polemical statement (reported reftel) placing the blame for Mitrione's death on the "negative attitude and rejection. . . of mediation" of the Executive Power.

On August 18, Rector Maggiolo sent Minister of Education Carlos M. FLEITAS a note transmitting messages of concern over the kidnapping and welfare of Dr. Fly which he had received from various

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DCM - Mr. Ortiz

U.S. university officials. In his [illegible]lo repeated the Council's previous criticism of the Government's h[illegible]ing of the case. A free translation of Maggiolo's note is attache[illegible] Enclosure No. 1.

Fleitas, an orphan, self-made man [illegible]former List 15 Senator who refers to himself as "a son of the University", had been pursuing a "soft line" toward that institution since taking over the Ministry in April of this year. He had succeeded in reopening a dialogue with University officials and resumed payments of debts owed the University by the GOU which his hard-line predecessor, Federico GARCIA Capurro, had held up. There were several indications that Fleitas' conciliatory approach was beginning to dispel the distrust and hostility felt by the University toward the Government and that he was receiving at least tacit cooperation from University officials.

However, even Fleitas could not tolerate the University's attitude toward the kidnappings and he responded to the Rector's note with an eloquent rebuke to the University for its failure to speak out earlier and for its unwarranted criticism of the Government. Commenting on the delay in the University's expression of concern for Dr. Fly, Fleitas reminded Maggiolo of an old adage to the effect that " if you remain silent when you should and can speak out, then you agree. " A free translation of Fleitas' response to Maggiolo is attached as Enclosure No. 2.

Relations between the GOU and the University appear to have reached a new low. It is highly unlikely that the Government will soon return to the conciliatory line followed recently by Minister Fleitas. Many observers feel that by its actions, the University has further isolated itself from the middle class, conservative and democratic majority of the country and that the time is rapidly approaching when the Government may be able to intervene or close the University without much protest from traditional democratic forces. Such a prospect looks increasingly possible.

ADAIR

Montevideo A-167
Enclosure No. 1

"August 18, 1970

"To: Dr. Carlos M. Fleitas, Minister of Education,

"The University of the Republic has, in the course of recent days, received many telegrams from University officials in the United States expressing concern for the fate of the distinguished soil expert, Dr. Claude Fly, who had been working in our country.

"The University, deeply worried and sincerely interested in obtaining the liberty of Dr. Fly as soon as possible, transmits to you, and through you to the Government, the names and texts of the telegrams received in order to help facilitate the solution of this lamentable situation.

"Humanitarian considerations require a greater flexibility in the handling of the regretable incidents which are occurring in our country.

"For this reason, the Central Directive Council (of the University), in its recent declaration, said in connection with the death of Dan Mitrione, 'the tragic outcome of these recent events is not unrelated to the hard line (dureza) of the Executive Power, whose negative attitude and rejection of all possibilities of peaceful mediation in the present situation, culminated with the arrest of clergymen who, for the most respectable humanitarian reasons, risked negotiations toward that end'.

" In the hope that this note and the attached telegrams which show the repercussions which the fate of Dr. Claude Fly has aroused in foreign scientific circles, will contribute to a solution of the present situation, I remain, Sincerely, Oscar Maggiolo."

"August 20, 1970

"To: The Rector of the University of the Republic

"Dear Sir,

"The Executive Power, through me, has received your note No. 642-70 of August 18.

"In the name of the Executive Power, it appears opportune to make the following comments on your note:

"1. Many days after the kidnapping of Dr. Claude Fly, the University of the Republic, faced with many telegrams from university officials in the United States, declares that it is deeply worried and sincerely interested in obtaining the liberty of Dr. Fly as soon as possible.

"In view of the tardiness of this communication, the Executive Power sincerely regrets that the University did not issue a clear and immediate statement on these grave occurrances, that is, the kidnapping of three foreign citizens and the cold-blooded murder of one of them.

"2. In the case of Dr. Fly, it should be noted that the distinguished soils expert was working, at the time of his kidnapping, with a distinguished Uruguayan expert, agronomist Luis DE LEON, who was formerly Dean of the Faculty of Agronomy and at the present time is a professor in that school. This leads one to believe that the University from the beginning had enough information to speak out on Dr. Claude Fly and to publicly demonstrate its concern. All of which makes it more inexplicable that only recently and after receiving telegrams from foreign university officials has the university shown its concern for Dr. Fly.

"An old adage states that if you remain silent when you should and can speak out, then you agree. And the silence of the University in the face of events without precedent in the life of our nation, contrary to the most elemental rules of law, repudiated by all the community without distinction of beliefs or political convictions, is a grave fact which, without doubt, does not contribute to the prestige nor add anything positive to the honorable traditions of the University of the Republic.

"3. The University of the Republic persists, once more in advising--outside of its legitimate competence--the Executive Power on how to act in this sad emergency. It is noteworthy that the Central Directive Council, which is so jealous of its own autonomy has intervened officially in areas which are absolutely beyond its competence.

"4. The Executive Power strongly rejects the attempts by the University to hold it responsible for the events referred to in this note. In the area of its responsibility, it has exhausted all legal means and pursued the investigation permitted by the Constitution and the law to identify those responsible for the serious and sad events and to obtain the liberty of those who remain kidnapped. What no one can understand is why the University of the Republic, both in the declaration made by the Central Council and in the note to which I am responding, has not made a clean and clear statement on those who illegally hold kidnapped Consul Dias Gomide and Dr. Fly. Nor is it understandable why this situation has not brought forth a clear and energetic condemnation by you who have nothing less than the responsibility of directing higher education.

"The silence of the University, its lack of frankness in judging these criminal acts utilizying the full independence of its opinion on the political, social and economic situation of the country, makes this silence very painful to all who have always seen the University as a higher instrument for the defense of the basic rights of mankind.

"In this sense, the Executive Power, through me, would like to point out to the Rector and the Central University Council that the conduct of the University in this emergency has exceeded its specific competence by setting standards on the performance of the Executive Power and the Judicial Power (both of) which have the final and exclusive jurisdiction to judge the crimes committed. Its conduct also demonstrates an inadmissible hard-heartedness in the face of the grave occurrances which both national and foreign opinion have energetically condemned.

"Sincerely, Carlos M. Fleitas."